THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:16154 of 2007

DATED:30-07-2007

BETWEEN:

A. Ramesh Goud.

..... PETITIONER

AND

The Superintendent of Police,
Karimnagar,
Karimnagar District & 3 others.

.....RESPONDENTS

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ORDER:

Heard learned counsel appearing for the petitioner as well as the learned Government Pleader for Home appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 2 and 3 in interfering with the personal liberties of the petitioner and trying to settle the civil disputes between the petitioner and the 4th respondent and keeping the motor bike of the petitioner in their illegal custody, as highly illegal, and arbitrary.

3. It is the case of the petitioner that he is the resident of Gambhiraopet village and mandal, Karimnagar District, and on a complaint made by the 4th respondent about the alleged borrowal of an amount of Rs.55,000/- from the petitioner, without registering any crime against the petitioner the 3rd respondent-Station House Officer, Ganbhiraopet police station is interfering with the civil rights and liberties of the petitioner. It is stated that on the said complaint/representation of the 4th respondent, petitioner was called to the police station by the Assistant Sub Inspector of Police on 12-03-2007 in the office of the 2nd respondent-Deputy Superintendent of Police, Sircilla and the said Assistant Sub Inspector of Police beat the petitioner abusing in filthy language and threatened to sign on the stamp paper worth Rs.10/- which is

written in favour of the 4th respondent. It is further stated that to harass the petitioner some documents have been created, fabricated, and forged against him and therefore petitioner got issued a legal notice, dated 13-02-2007, to the 4th respondent about the illegal action on the part of the Assistant Sub-Inspector of Police and Sub Inspector of police, Gambhiraopet police station.

4. I am not inclined to express any opinion whether the petitioner has committed any cognizable offence or not. Even assuming that the petitioner has taken a loan and failed to repay the same whether it constitutes a criminal offence or not, in the absence of the necessary material before this Court it may not be just and proper to express any opinion. Even if the allegations disclose that the petitioner has committed a cognizable offence, without registering any criminal case police cannot interfere with the civil rights of the petitioner. When a representation has been made before the police about the illegal action committed by the said police, it is the duty of the Superintendent of Police to take action against the erring officers.

5. Having regard to the facts and circumstances, 1st respondent is directed to get an enquiry conducted by any other Deputy Superintendent of Police, other than the Deputy Superintendent of Police, Sircilla or by himself on the representation made by the petitioner, dated 12-03-2007, and take appropriate action in accordance with law.

6. Accordingly, Writ Petition is disposed of as indicated above.

No order as to costs.

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V.ESWARAIAH,J

30th July, 2007.

Note:

Furnish C.C. of the order today.

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